

REMARKS/ARGUMENTS

The present application discloses an apparatus and method for recalling a previous program channel of interest from a current program channel, where the channel of interest is determined by the amount of time a user has previously spent on the channel. The amount of elapsed time a user spends on a program channel is monitored. If the elapsed time exceeds a predetermined threshold, the program channel is identified as a channel of interest. As the user switches from the channel of interest to subsequent broadcast channels (i.e., "surfs"), the channel of interest is retained in memory as long as the amount of time spent on any subsequent channel is less than the predetermined time threshold. If the amount of time spent on a subsequent channel is greater than the predetermined time threshold, the subsequent channel is identified and stored as the new channel of interest. At any time, the user may select a selective view function to return to the channel of interest from the current selected channel.

Reconsideration of the application, as amended, is requested. Claims 1 and 11 have been amended. Claims 2-10 and 12-19 have been cancelled, without prejudice. No new matter has been added. Claims 1 and 11 remain pending in this application.

Claim 9 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In response, Applicants have cancelled claim 9.

Claim 6 is also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In response, Applicants have cancelled claim 6. The subject matter from claim 6 has now been incorporated in claim 1, and the change requested by the Examiner has been incorporated into the language now present in claim 1.

In section 2 of the Office Action, the Examiner rejects claims 1-4 and 11 under 35 U.S.C. §102(b) as being anticipated by Amano et al. (US 5,323,240). In response, Applicants have cancelled claims 2-4. Claims 1 and 11 now incorporate material from claims 7-8 and 16-17, respectfully, including all matter from any intervening claims. In section 28 of the Office Action, the Examiner objected to claims 7-8 and 16-17 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicants now respectfully submit that claims 1 and 11 are in condition for allowance.

In section 8 of the Office Action, the Examiner rejects claims 1-4, 11-13, 15, and 18-19 under 35 U.S.C. §102(b) as being anticipated by Bedard (US 5,801,747). In response, Applicants have cancelled claims 2-4, 12-13, 15, and 18-19. Claims 1 and 11 now incorporate material from claims 7-8 and 16-17, respectfully, including all matter from any intervening claims. In section 28 of the Office Action, the Examiner objected to claims 7-8 and 16-17 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitation of the base claims and any intervening claims. Applicants now respectfully submit that claims 1 and 11 are in condition for allowance.

In section 19 of the Office Action, the Examiner rejects claims 5-6, 9-10, and 14 under 35 U.S.C. §103(a) as being unpatentable over Bedard in view of Saitoh (US 5,564,088). In response, Applicants have cancelled claims 5-6, 9-10 and 14.

In section 24 of the Office Action, the Examiner rejects claim 18 under 35 U.S.C. §103(a) as being unpatentable over Amano et al. In response, Applicants have cancelled claim 18.

In section 26 of the Office Action, the Examiner rejects claim 19 under 35 U.S.C. §103(a) as being unpatentable over Amano in view of Meadows (US 4,060,839). In response, Applicants have cancelled claim 19.

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In section 28 of the Office Action, the Examiner objects to claims 7-8 and 16-17 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have taken the subject matter indicated as allowable from claims 7-8, and incorporated this material, along with material from all intervening claims, into claim 1. Similarly, Applicants have taken the subject matter from claims 16-17, and incorporated this material, along with material from all intervening claims, into claim 11.

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1 and 11) are in condition for allowance and that the application should be passed to issue. The Examiner is urged to call the undersigned at the below-listed telephone number if, in the Examiner's opinion, such a phone conference would expedite or aid in the prosecution of this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 21, 2005

(Date of Deposit)

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Respectfully submitted,

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